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SILVER-SEEKING

IN THE

SAN JUAN MOUNTAINS



LOCATION OF THE SILVER REGION—HOW TO GET THERE—
WHAT YOU WANT, AND COST OF OUTFIT—HOW AND
TO LOCATE YOUR CLAIM

TOGETHER WITH THE

MINING LAWS OF COLORADO

AND ACTS OF CONGRESS RELATING THERETO.

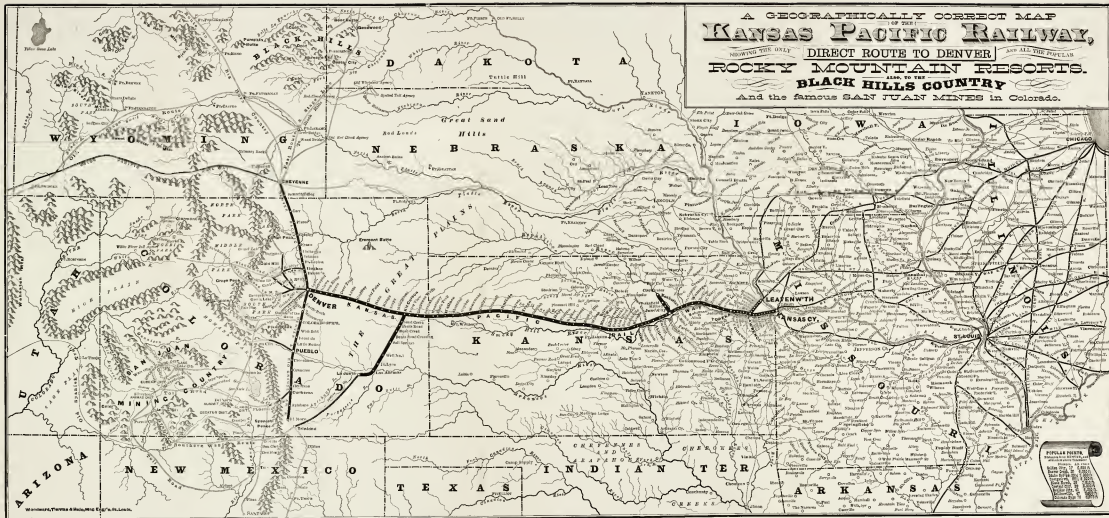
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1892

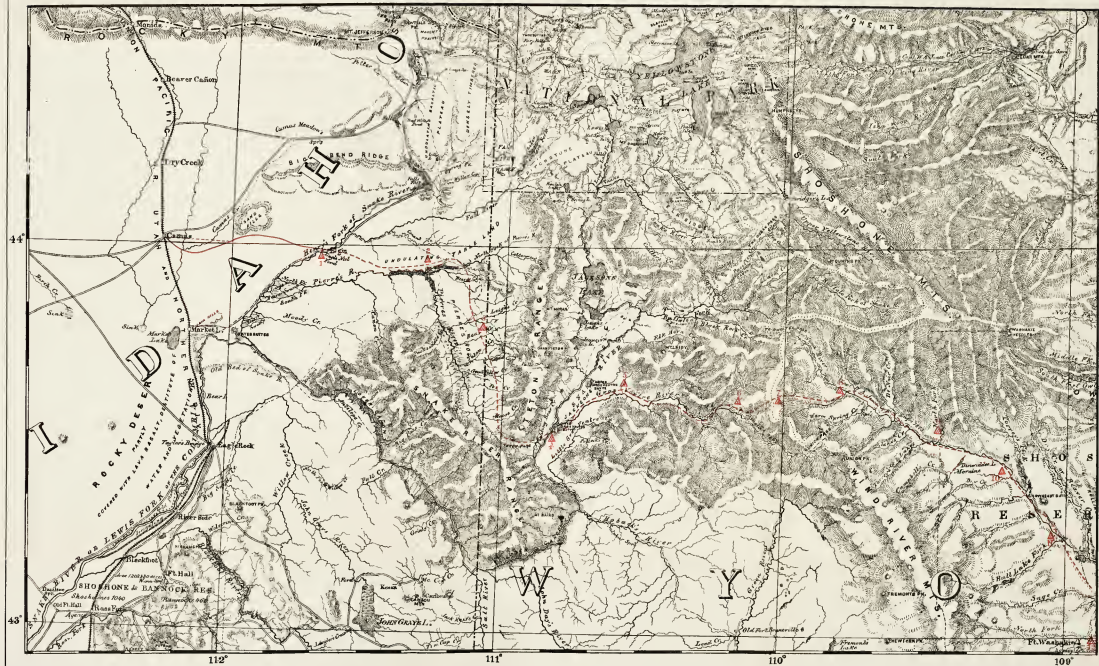
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KANSAS CITY, MO:
JOURNAL OF COMMERCE PRINTING AND PUBLISHING HOUSE.
1877.



SAN JUAN.

The wonderful mineral wealth of this famous mining region is already a recognized fact. Scientific research among the silver-laden lodes has only confirmed the bountiful presence therein of the precious minerals as developed by the sturdy, practical Miner, with pick and shovel. Mining industry in San Juan is not of that sensational, bloody-bones character which usually accompanies fortune-seeking in newly discovered districts, remote, dangerous and surrounded with vicious elements, which make the business of mining, under such circumstances, a hazardous venture—a chance in which life and the coveted fortune are about equally uncertain.

The discovery of gold and silver in the San Juan country was made at so early a date that mining therein has acquired the character of a well-defined, profitable business, encouraged by the positive presence of unlimited deposits of the richest ores, and sustained and developed by the progress of the times, the advancement of railroads toward that famous section, and the steadily increasing influx of hard-working, earnest miners and business men thereto.

Any new field of labor which will not lessen the profits of agriculture and manufacture is a clear gain to the country, while at this time when nearly every branch of business is struggling to maintain its position and a large portion of our population is idle, the opportunity for the profitable employment of capital and labor is particularly desirable.

The entire product of gold and silver in the United States for the year 1875 was about eighty-one million dollars, and the yield for the present (coming) year will reach in round numbers one hundred millions. The effect of this production upon other industries is greatly advantageous. Something is produced of current value to the world, and is a measure of the value of other commodities.

The miner consumes that which he does not produce, and bearing the sole relation of a consumer in a business point of view to the rest of mankind, he increases the demand and value of other

The Kansas Pacific is the best equipped Road in the West.

commodities, except silver and gold, and a greater general prosperity is realized.

If any part of our population are idle, or are producing that for which there is no demand, and our deposits of the precious metals are ample to give them employment at remunerative wages, would not it be wise to examine into the demands of this new field of industry and profit by the opportunity offered for employment, especially those thousands of willing, able men who crowd the old East, begging for labor even at the pitiful price paid for an honest day's labor, if secured? The San Juan country offers unlimited opportunities for successful labor, as well as the liberal investment of capital with a certainty of profit.

No better evidence of the wealth of mineral deposits in the San Juan region exists than its rapid settlement, and development of its mining interests. The confidence existing as to its brilliant future is evidenced in the increasing movement of men and materials thereto, and the permanent erection of extensive works for the reduction of ores and the perfection of routes leading into the districts.

LOCATION OF THE MINING COUNTRY.

It has been customary heretofore to speak of all that area embraced by the Sangre de Christo Mountains and the Rio Grande on the east, the tributaries of the San Juan River and head waters of the Las Animas River on the south and west, and the tributaries and head waters of the Gunnison River on the north—as the San Juan Country. In this great breadth of mineral producing country there are ten subdivisions or districts, as follows: Alamosa, Loma, Telluric, Summit, Decatur, in the eastern portion of the area described above; while farther to the westward, and comprising what are now popularly known as the Great San Juan Silver Mines, are found the Lake District, the Eureka District, the Adams District, the Las Animas District, and the Uncompahgre District—the latter the most remote, but by many thought the richest of all. The five eastern districts are designated as gold-producing, while the five most important ones at the present, are silver-producing, with

Take the Kansas Pacific Railway for all Mining Towns in Colorado.

some slight traces of gold in lodes along Picayune Creek, above Eureka and Cement Creek, a stream putting into the Las Animas River at Silverton.

DATE OF DISCOVERIES.

The first discovery of gold in the Summit District occurred in June, 1870, by J. L. Wightman, after whom Wightman's Fork was named. The first claims were staked in the Alemosa in the autumn of 1874. Within the present year these locations will be within 35 miles of a railroad. Locations in the Decatur were also first made in 1874, as also the others in the immediate neighborhood.

The first discovery of mineral in Animas District occurred in 1860, when Lieut. Baker and his party of explorers penetrated that region. The Little Giant Mine in this district was discovered in 1870. During the three years following the various other districts were prospected and located. The first discovery of mineral to any important extent in the Lake District was made in 1874.

Until September, 1872, the country known as San Juan was held by the Ute Indians, when it was by treaty released to the United States. It had up to that time been subject to the usual explorations of those resolute spirits that people our western mountains in search of the precious metals, but there was not much done by way of location and development of those wonderful deposits of silver up to the spring of 1874, when work began with great vigor.

Perhaps 3,000 silver mines have been located, and the work done thereon, as required by law, within the last two years, and the total number of mines located in all San Juan may be placed at 4,500, and yet but a small part of the country has been prospected. It would be safe to say that seven or eight thousand mines will be located in San Juan within the next five years. What portion of this great number will prove to be paying mines it is difficult to estimate, yet the present indications are so flattering that it is thought by many that one-fourth of the mines located will become paying property.

This certainly would be an extravagant estimate for any other country than the San Juan, but here, be it remembered, no blind leads are prospected, mineral being found in nearly every instance at or near the surface.

Miners and Mill Men ship by the Kansas Pacific Railway.

Hereafter is appended a brief description of the various districts containing the more important silver lodes.

THE ANIMAS DISTRICT.

This district, located in what was LaPlata, but now San Juan County, is one of the oldest mining districts named, and lies along the Animas river and its tributaries.

Here a larger number of mines have been located and are being worked than in any other mining districts in that country. Its ores are principally argentiferous, galena and gray copper, and occasionally the black sulphurets of silver are found, and in a few mines chloride of silver. The smelter run of the ores treated from mines in the Animas district last season, varied between \$150 and \$2,000 per ton.

It is impossible to give a definite idea of the number of first-class paying leads in a district which has perhaps between one and two thousand leads already located and more being discovered daily yet we might mention—which would be only a beginning of the list—the Highland Mary, Mountaineer, North Star, Tiger, Thacher, Chepauqua, Comstock, Pride of the West, Philadelphia, Susquehanna, Pelican, Grey Eagle, Shenandoah, Bull of the Woods, Little Giant (gold), Prospector, McGregor, Aspen, Seymore, Letter G, Empire, Sultana, Hawkeye, Ajax, Mollie Darling, Silver Cord, Althea, Last of the Line, Boss Boy, Crystal and King Hiram Abiff (gold).

BAKER'S PARK,

in the Animas district, while it is the center of an extensive mining region, is also one of the most lovely parks in San Juan.

In the summer season, when foliage and flowers are at their best, with those grand old mountains which border on the park, lifting their heads almost erect from their base 13,000 above the sea level, and the long lines of shadow are nestling in the abrupt angles of the gulches and canons, the wild music of the waterfalls that leap from the mountain sides, enhances the scene, and it reminds us more of some fairy land of enchantment than what must be, at no distant day, the greatest depot of mineral supply on the continent.

SILVERTON,

in Baker's Park, is one of the chief towns west of Del Norte.

Take the Great New Route into San Juan by Kansas Pacific Railway.

In 1874, there were perhaps half a dozen rude buildings in Silverton, but eventually, as soon as saw-mills in the park were prepared to furnish lumber, a town sprung up like magic, about 200 houses being built during the spring and summer of 1875, and the town had gained a population of about one thousand in August last. It is safe to say that the population will be doubled during the present season.

But the importance of a mining country should not be estimated by the size of its towns.

The chief business of the country being mining, nearly everybody lives on the mountains where their property is located.

Last season Silverton had two smelters in operation, beside one small affair built on the Mexican plan, which had a doubtful success. It also contained four or five supply stores, one drug store, four blacksmith shops, two saw-mills, one bakery, two butcher shops, one barber shop, a number of boarding houses, a weekly newspaper—the *LaPlata Miner*—and perhaps half a dozen saloons.

This being the county seat of the county of San Juan, where all records of mining property within the county are kept, the town, at all times, presents a lively appearance.

The miners from the La Plata, Adams and Uncompahgre districts buy most of their supplies at Silverton. Dealers keep an extensive and complete assortment of everything the miner wants, both in provisions and the necessary tools for working the mines.

Several new firms are taking goods in this season, and there will be an abundance of everything in the supply line, at reasonable prices.

THE EUREKA DISTRICT.

This district joins the Animas on the north and lies along the Animas river. The character of the ores does not differ materially from those in the Animas district, granite being the prevailing character of the rock formations in each.

Going into the Eureka district from Silverton, you pass through the town of Howardsville, at the confluence of the Cunningham Gulch stream with the Animas river. This is a town of about three hundred inhabitants. Here, as you advance farther up the river,

Buy your Tickets to Canon City, via Kansas Pacific Railway.

the width between the mountains begins to narrow, and by the time you reach the town of Eureka, which is about nine miles from Silverton, the mountains have crowded close upon you on either side, and you are in view of some grand mountain scenery. Just before you reach Eureka, on the left bank of the Animas, there is a mountain which, viewed in the twilight, presents the appearance of a huge cathedral, its pillars and dome marking magnificent heights and presenting a very imposing appearance, and in this, Nature's Architect has furnished a model of the grand and sublime which the art of man can never imitate. From Eureka you reach Animas Fork, four miles distant up the Animas river, or you go into the Uncompahgre district by Eureka Gulch. Eureka has, perhaps, twenty rude buildings, and has a supply store and post office. No larger bodies of ore are found anywhere than in the Eureka district. The McKinnie, Tidal Wave, Boomerang, Crispin, Sunnyside, Yellow Jacket, Golden Fleece, Venus, Emma Dean, American, North Pole, Jackson, Grand Central, Big Giant, Little Abbie, Belcher and Chieftain are among the principal mines.

THE UNCOMPAHGRE DISTRICT.

In traveling through San Juan, everywhere you go, it is the common remark of those with whom you meet, that "there seems to be no end to the number of rich mines." And so it is; you find them everywhere. All along up Cement Creek, on either side, the mountains are decked with ribbons of silver, and following up to the head of Cement from Silverton, a distance of twelve miles, you reach the summit of the mountains, in the famous mines of the Uncompahgre district. But what a ride you have had in gaining these heights! The trail lies close along the margin of the creek, and it has a gradual elevation till you reach within two miles of the summit, where a zig-zag trail, which runs across the face of the mountain which fills up the canon at the head of Cement Creek, brings you into the heart of the Uncompahgre mines.

The scenery here is grand in the extreme. Nature must have been in wild riot to have produced such a "wreck of matter" as is here found. If the ruins of ancient cities impress the beholder with wonder and amazement, what must be the emotions in view-

Miners going or returning take the Kansas Pacific Railway.

ing for the first time what one might imagine to be an exploded world, with its sharp, broken fragments piled in strange confusion fourteen thousand feet high.

The molten peaks are tinged with a red and sulphurous hue, which tells of a period at which the chemical properties of the earth are made to gild each crest with rare, enduring colors.

It presents a scene of abandoned nature, with garbs of living green, cast recklessly below into the parks and valleys two miles away, that her charms might be the subject of man's conquests to gain her golden treasures.

The eye lingers upon the scene, and marks the line of contrast where the spruce and fir fringe the foot-hills, and the Uncompahgre river pours its glad song over cliff and through canon till it reaches the broad, fertile valley in the distance, where dwells the timid Ute. The summit of the Uncompahgre mountains is the place of all places to view mountain scenery in its greatest variety and most impressive grandeur.

Summer and winter, spring and autumn, are viewed in one glance, and stand out in bold contrast, enhanced at times by those strange phenomena in nature, the mountain mirage and

SUNRISE ABOVE THE CLOUDS.

Were you to encamp upon one of those bold mountain ranges you might witness, on a misty morning, a scene that no pen can describe. The parks and passes below are filled with a dense fog that reaches half way up the mountains. Along the surface of this foggy chasm, and farther up the mountain, rest light, airy, broken columns of clouds. The morning is breaking and the sun is stealing over the summit from the east. He sends his rays aslant upwards at first, and you mark his golden line along his misty course. He soon reaches the upper tier of clouds, and when his rays play upon the bosom of the immense misty mass below, the crowning glory of this beautiful scene is before your eyes. The reflection and refraction of color from these vaporous masses have produced a scene of most wondrous beauty, the like of which can never be seen from below.

Nearly all the water courses in the northern portion of San Juan have their source within the limits of the Uncompahgre district, or in that neighborhood, and the name, meaning "Valley of Fountains," has more of its true significance in the valley along the

All Railroad Towns in Colorado reached via Kansas Pacific Railway.

Uncompahgre river than in the mining district of that name. But we will not quarrel with the Indian who gave it, if he will peaceably permit us to locate the mining property in the mountains along the Uncompahgre river, which are within the Ute reservation. There is a large scope of rich mining country along the Gunnison and Uncompahgre which last season tempted the reckless adventurer, which will be, before many months, joined to the borders of that wonderful mineral country.

The richest mines in all San Juan are found in the Uncompahgre. There is a nest of mines on the summit of those mountains, perhaps included within one and one-half miles square, whose best grade of ores will run from five hundred to one thousand dollars to the ton at the smelter. A number of mines furnish ores which will bring from \$1,500 to \$1,800 per ton at the smelter. Last season the extension of this rich belt of mineral was extensively prospected for, and with remarkable success. The belt seems to run in a south-westerly direction, across the headwaters of Cement Creek to Red Mountain. Mineral Creek comes in its course also, and at all of these points ores have been found resembling the Uncompahgre ores, and believed to be of the same mineral belt. Of those mines producing so wonderfully we might mention the Mother Clim, Alaska, Saxon, Tyrol, Poughkeepsie, Fisherman, Silver Coin, Our Pat, King Solomon, Bonanza, Adelphi, Alpha, Scottish Chief, Gipsy Queen, Seneca Chief and Little Minnie. The ores of the Uncompahgre carry less galena and more of the sulphurets of silver than in any other district named, and being of a high grade and easily treated, are regarded with great favor by smelters.

There is great need of smelting works in this district. Austin & Greenell, owners of the famous Lincoln Boy Mine and others, erected works last season, but they expect to furnish the supply of ore from their own mines. Many of the ores of the Uncompahgre have been shipped to Denver for treatment.

THE LAKE DISTRICT.

Nearly every mining district in Southwestern Colorado has some distinctive characteristic from others, and possesses wealth in the precious metals ample to guarantee its success.

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At this time it is difficult to determine which is to be the most important. The Lake district, for the present, is the most accessible by good roadways of any of the silver-bearing districts, and having mines, though not so numerous, that are equally as rich as those in the famous Animas district. There are some four hundred and fifty mines located in Lake, and it has the only Tellurium lode of any note in the San Juan country. This is the Hotchkiss, which carries tellurium ores rich in gold and silver, and is, perhaps, the best developed mine in that region.

Of the mines of note we might mention the Cora, East Boston, Big Casino, Ouray, Little Chief, Mountain Lyon, Belle of the East, Belle of the West, Lone Chief, Mayflower, Atlantic, Plantation and California Lode.

LAKE CITY

is the chief town in the mining district, and has a population of seven hundred inhabitants, and is situated at the confluence of Lake Fork with the Gunnison River.

Two toll roads have been constructed, one from Del Norte and another from Saguache, to Lake City, giving it two outlets to the east, and the road is extended west to the forks of the Animas, which will give a stage route to Silverton, in San Juan county.

The town is well provided with supply stores, there being five stores of that sort, and it has two bakeries, two saw-mills, three restaurants, two blacksmith shops, one livery stable, one millinery store, one weekly paper—the *Silver World*—five saloons and two meat markets.

A bank has been chartered—the Bank of Lake City—with a capital of \$50,000, which will greatly facilitate business and assist materially in building up the mining interests there. Already the good people of Lake have an ambition to make it a great city and the distributing point to the extensive mining districts west and southwest.

The scenery about Lake City is delightful, and is remarkable for its deep canons, picturesque waterfalls and floral attractions.

The Granite Falls, two miles distant, is seventy-eight feet in height, and the Argentine Falls, four miles above Lake, take a tremendous leap of one hundred and sixty feet into a chasm below.

Thus briefly have we noticed some of the leading features of the principal silver-mining districts in the San Juan country. New

The Kansas Pacific Railway has no rival in speed and equipments.

mining districts are occasionally being formed and new mines daily discovered. We will now mention a few districts noted principally for their gold-bearing quartz and placer gold.

SAN MIGUEL (GOLD) MINES.

The developments in this region have resulted so satisfactorily that the interest in that direction has steadily increased since August, 1875, at which time the attention of miners was drawn thereto by successful discoveries of rich placer diggings, creating a lively excitement, followed the next season by still more important discoveries, which, this season, will be rewarded by a remarkable influx of miners to that district.

The San Miguel mining region properly is included in a section running northwest between the Uncompahgre and San Miguel rivers, and doubtless the gold fields have for their northern boundary the Gunnison River. The area embraced in the district is about 40 to 70 miles in extent, aggregating 2,800 square miles of country, with the strongest evidences of mineral deposits throughout the entire section.

The richest discoveries during the past year have been made in the western portion of Ouray county, on the San Miguel river, those especially made by J. L. Ware promising rich returns to owners and miners. A new town site is established in the very heart of this rich section by enterprising gentlemen at St. Louis, Mo., and vicinity, who have united with Mr. Ware to successfully found and perpetuate Waresville, the name of the new town, so called in honor of Mr. Ware, the original prospector of that locality.

A supply of mining machinery, including a crusher, and such other means and materials as will insure successful operation in these mines, have been taken in, and every evidence of great prosperity for Waresville and the San Miguel mining section in general seems to exist.

DISCOVERIES IN THE SAN MIGUEL.

The excitement at Silverton and on the Animas, in 1875, was created by the discoveries reported by one Remine, who had struck

No accidents or delays by the Kansas Pacific Railway.

rich showings on the forks of the San Miguel River, and a rush was made thereto and many claims located, when nothing more was done by a majority of those who held them. However, one Ritchie, a determined character and good miner, was so strong in his belief that he remained through one winter, spending the months in preparing for active work in the spring of '76, which he followed up with hard work in the following summer, obtained a good deal of gold and finally sold his claim to Del Norte parties for a good sum. From Del Norte a party, satisfied of the richness of the San Miguel deposits, went out prospecting, and on the banks of the San Miguel, in which appears to have been the original bed of the river, some hundreds of feet above the present channel, the sand and gravel here panned out yielded richly, and has influenced the great interest in that locality which now prevails, and will make the San Miguel mines famous.

LA PLATA (GOLD) MINES.

Sixty miles southwest from Silverton is Parrott City, the principal mining town of La Plata county, near which are those rich placer and quartz gold mines, which perhaps have no equal in Colorado. The placers are found along the La Plata river, and are, as prospected, about ten miles in extent along that stream, and have an average width of about two miles. It is estimated that bed-rock is thirty or forty feet below "grass root," the yield from the surface paying from five to ten dollars per man. A company has constructed a system of ditches along certain portions of this gold bar and furnish water to those who own claims adjacent thereto at a given price. During last season sluice mining was the method employed for securing the gold, but in October last parties interested in those mines went to California to engage aid in the construction of a perfect hydraulic system, by which a more effective treatment could be employed, so that the present season will undoubtedly be one of greater activity in these new gold fields of La Plata. Such rich placers satisfied the old miners that the source of these low-land deposits were exceedingly rich, and prospecting for quartz gold leads upon the adjacent mountains was, during last summer, pursued with vigor and great success, which not only led to the dis-

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covery of rich gold quartz veins, but silver was found in abundance and of a very high grade.

The rock is of limestone formation principally, the ores carry but little galena, and in appearance resemble the ores found on the Uncompahgre. Many beautiful specimens brought into Silverton last season assayed between \$1,500 and \$2,000 per ton in silver, with more or less gold.

Silver has been found at different points along the La Plata trail, between Silverton and Parrott City, and one wonders as he sees specimens of high grade silver ores come in for a hundred miles along this mineral belt, if there really is an end to those rare deposits.

When, in October, 1875, those operating the Comstock lode struck a vein which run in bulk \$120,000 per ton, a large number of old miners, who rendezvoused at Silverton, started for the La Plata district with the intention of permanently locating there, arguing that if they could not strike it rich in gold they could in silver, and seemed assured of success.

The altitude is considerably lower at Parrott City than in the silver districts up the Animas, and the climate more mild. Coal is found in abundance in that country, which, with its superior productiveness of soil, and being on the best line of approach for a railroad to the mines up the Animas river, makes it a chosen spot, and no portion of the entire San Juan country has a more assured success in the future than the La Plata gold and silver district.

SUMMIT DISTRICT (GOLD) MINES.

The immense bodies of fine quartz gold found on South Mountain, in the Summit district, has led to the location of mining claims, covering nearly the entire mountain, and to the organization of mining companies and the erection of a number of reduction works, which makes it truly a great and important mining camp.

The Little Anna lode has gained, perhaps, the greatest reputation, owing to its more thorough development. The average run of the ores from the Little Anna is variously estimated between \$50 and \$80 per ton.

The owners claim to have taken out \$50,000 in sixty days. The
There is millions in it—a trip to San Juan via Kansas Pacific Railway.

formation of the vein matter is seamy in all directions, no definite line of pay streak as in regular true fissure veins of silver. The width of the vein is not fully determined, but the supposition is that it is seventy or eighty feet wide. This and a ten stamp mill erected upon the mine is owned by a New York company.

Other lodes of great promise are being worked, among which are the Golden Queen, Summit, Major, Golden Eagle, Mollie Bush, Yellow Jacket, Caribou, Dexter, Golden Star, Del Norte, Upper Annie and Ida.

A mine of very singular appearance is the Summit Lode. Here was a butte of quartz matter standing eighty feet high, thirty feet wide and about fifty feet long, situated well up the mountain, and standing erect.

Fifty feet farther up the mountain is the upper wall rock to the vein, while below it is shingled down about three hundred feet with a red-colored quartz rock, and calcined granite, giving on the whole an ashy appearance. Nearly all the best mines on South Mountain lie in and about a large basin formed in the mountain, and might be termed a golden bowl.

Standing upon the summit of South Mountain, 12,300 feet high, by the lines of timber in the distance to the east and north you can determine the course of the Rio Grande river that lies along the borders of San Luis Park. The approach to South Mountain from Del Norte is by wagon road up Francisco Creek, thirty miles from Del Norte, and by Pinos Creek twenty-eight miles.

There are various theories concerning the formation of South Mountain. Quartz gold having been found in nearly every portion of the mountain, it is claimed by some to be a solid mass of quartz gold, while others believe the "top dressing" to have been poured over the surface from the mouth of a volcano. There has been a large amount of gold taken from this mountain, and it must continue to be one of our best gold producing districts.

The Little Annie, Golden Queen and Summit mines each has its stamp mill and others are being erected.

Having thus fully described the Summit it is not important to devote space to the districts of like character adjoining, heretofore mentioned.

OUTFIT REQUIRED AND ITS COST.

Persons going into the San Juan country to prospect, require from \$300 to \$500 cash, besides the following outfit :

Half Gallon Coffee Pot.....	\$0 60
Frying Pan.....	60
Camp Knife.....	1 00
Bake Oven.....	1 00
Bread Pan.....	75
Three Tin Plates.....	25
Knife and Fork.....	25
Coffee Mill (iron).....	50
Tin Cup.....	10
Two Teaspoons.....	10
Two Tablespoons.....	10
Total cost.....	\$5 40

THE BEDDING,

consisting of three double blankets and one poncho, would cost about \$12.

CLOTHING.

One substantial suit of clothes, one pair of heavy boots, the soles filled with hob-nails with perhaps a pair of shoes to wear about camp, a soft hat and overalls and blouse, and you have all that is necessary for comfort and convenience.

FOOD.

A man will eat about one pound of flour per day, one-half pound beef or one-fourth pound bacon. Dried fruits, such as apples, currants and prunes, should be used freely with heavy diet, to insure perfect health.

MULES AND BOROS

are a great assistance to the prospector after he arrives in a mining country, as well as in going in. A good mule will cost in San Juan from \$100 to \$150; a pony about \$75, and a boro about \$30. But a person who does not choose to be to this expense may find facilities for getting in with freighters, who are daily starting into the country.

While a tent is a very good thing, it should only be taken when transportation is ample; very few take them, as sleeping in the open air is attended with no suffering or inconvenience in that climate.

MINING TOOLS.

The best steel for gads is Jessup & Sons' English steel. This

Quickest Route to San Juan is via Kansas Pacific Railway.

can be seldom found except in the larger cities in the States, but all the mining towns in Colorado keep all varieties. It costs from 35c to 40c per pound. Drills for prospecting work should be made out of seven-eighths or one-inch steel and three in number—four are sometimes used—No. 1, 18 inches long; No. 2, 26 inches long, and No. 3, 36 inches long. You also want one striking hammer—a six pound cost \$4.50. Also, one breaking hammer, eight pounds, cost about \$6.00; one tracing pick, cost \$2.00; one prospecting pole pick, cost \$2.00; one long handled shovel, cost \$1.50; four gads made of square one and one-fourth inch steel, eight inches long; also powder and fuse. This gives a general idea of an outfit as used in San Jaan, and it is about all that is necessary for a season of prospecting in the Rocky Mountains.

HOW TO LOCATE A CLAIM.

There can be but one location made within a mining claim, and the distance and direction claimed from the discovery shaft should be stated upon discovery stake. Suppose George Legit and Nathaniel Prospect have discovered a lead. The point where the lead can be opened to best advantage, taking into consideration the mineral outcrop, the approachability to the discovery shaft, the formation about the vein and the facility by which it may be opened, should be selected. When this has been decided, Legit follows the vein up the mountain a long distance, to satisfy himself that no locations have been made which will come within the one he proposes to make, and Prospect takes a look down the vein, and neither discovering any prior locations, George pulls his knife from his belt and commences to whittle, as smoothly as possible, one side of a stake, upon which he writes:

NOTICE!

We hereby give notice that we have this 4th day of —, A. D. 187—, located this, the Centennial lode. We claim 1,500 feet in and along the vein, linear and horizontal measurement.

We claim 1,200 feet along the vein, running in a northwesterly course from discovery shaft, and 300 feet, running along the vein southeasterly from discovery shaft. We also claim 150 feet on each side of the vein from center of crevice as surface ground.

GEORGE LEGIT,
NATHANIEL PROSPECT, } Locators.

The great Stock Route is via Kansas Pacific Railway.

DIAGRAM OF SURFACE BOUNDARIES, ETC., OF A LODE.



Parties locating a lode are entitled to all the dips, spurs, angles, variations and ledges of the lode coming within the surface ground, and may take the unnecessary precaution to write it upon the stake giving notice of discovery; it is useless to recite all the mining rights which follow location in the notice given.

Within sixty days after discovery and location, at least a ten-foot shaft must be sunk, or an open cross-cut cutting the vein at least ten feet below surface, or an adit level cut in and along the vein a distance of at least ten feet. At the end of the adit a perpendicular face of at least ten feet should be gained. (See text of law elsewhere.)

Within ninety days after location, a location certificate must be filed in the office of the Recorder, in the county in which the lode is situated, which should be in the following form:

STATE OF COLORADO, } ss.
COUNTY OF..... }

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, ha... this day of, A. D. 187..., located and claimed, and by these presents do locate and claim, by right of discovery and location, in compliance with the Mining Acts of Congress, approved May 19th, A. D. 1872, and ALL subsequent acts, and with the local customs, laws and regulations, feet, linear and horizontal measurement, on the Lode, along the vein thereof, with all its dips, angles and variations, together with feet on each side of the middle of said vein at the surface; and all veins, lodes, ledges and surface ground within the lines of said claim feet, running from center of discovery shaft. Said discovery shaft being situate upon said lode, and within the lines of said claim in Mining District, County of, and State of Colorado, and further described as follows:

Said lode was located on the day of A. D. 187...

ATTEST:

Date of certificate A. D. 187....

Everybody goes by the Kansas Pacific Railway to San Juan.

MINING AS A BUSINESS.

People are led to regard mining enterprises as hazardous more from habit than anything else, forgetting that many of those engaged in mercantile pursuits fail at some period of their business history.

In mining undertakings more men fail in the beginning than in the steady pursuit of business. More failures come from speculations in mining property, than in a legitimate effort to produce the precious metals. Any one who will take the trouble to read Raymond's reports of the mining industries of the different mineral producing States and Territories, will be satisfied of this fact.

Smelting the ores of the San Juan country may be made a success, by observing the known conditions of success, but it will not do to adopt those cheap expedients in smelting, for a failure is almost certain if you do. Because a smelter on the Mexican plan can be built for \$500, and a quantity of silver saved in the process thus employed, it does not prove that a man with \$20,000 capital will not fail if he undertakes the business of smelting.

A smelter that would cost \$50,000 should, to make it a success, have \$50,000 besides, used in buying ores, and \$100,000 would be better. The profits of smelting are so great that men are led into the undertaking with too small a capital, and fail. It would be better if persons with from five to twenty thousand dollars, who desired to engage in the treatment of silver ores, were to find in the San Juan country a large body of low grade ore, where the gangue being so impregnated with silver that it required separation, and put up concentration works, five to eight tons could be reduced to one, and ore running \$25 per ton, which would be entirely useless as smelting ore, by concentration could be made to run \$200 per ton with a cost of concentration of from one to three dollars per ton.

The machinery for concentration is very simple and inexpensive, consisting of:

Crusher and Roller, 26 tons daily capacity, cost.....	\$1,200 00
Cost of Jig.....	600 00
Total.....	\$1,800 00

The only route to San Juan is via Kansas Pacific Railway.

A building costing \$1,000 would about complete the expense. It would cost to operate this, three men, at four dollars per day, \$12.

In connection with the concentration of ores a regular sampling business could be done, for there are many of the high grade ores in San Juan, which owing to the want of smelting facilities, will be shipped out of the country by parties buying ores. The buyers of ores necessitates the sampling of them, and a crusher is required in sampling, and that you have already in your concentration machinery.

The Blake Crusher, with Cornish rollers, and the Rouse or Parsons jig, with a number of tubes, is the machinery usually employed.

The Crusher, to a great extent, has taken the place of the Stamp Mill.

There are a large number of mines owned by parties in San Juan, practically valueless to their owners, which, if capital were employed in their development, might be made to pay largely. All low-grade ores should be of a kind that they may be concentrated to make their treatment profitable, and, as before stated, should be in large bodies. A two or three-foot vein, running twenty-dollar milling ores, could not be made profitable; yet a thirty-foot vein, running that amount per ton, might be made to pay largely.

The sale of mining property is liable to great abuse, from the fact that so few purchasing property are acquainted with the true value of a mine; yet, with due care, nothing promises a larger return for the amount of money required to purchase than first-class mining property in the San Juan country. There is so great a mining interest there that the development of the country must be very rapid and extensive, and everything is made thereby more marketable.

There are many features of the country peculiarly encouraging to prospectors; the great number of mines daily discovered and the constant demand for them on the part of capitalists, who are willing to buy them at nominal prices and take the risk of their ultimate value. This encourages prospectors to make public many discoveries that otherwise might not be considered of sufficient importance to warrant any attention.

· HOW TO REACH THE MINES.

The first railroad to penetrate Colorado and develop its mining and commercial interests was the old established Kansas Pacific Railway, extending from Kansas City, Missouri, and Leavenworth, Kansas, on the Missouri River. Crossing, as it does, the wonderful State of Kansas from east to west, its entire length, penetrating the richest pastoral region of the Great West, and through Eastern Colorado to DENVER, the Capital and Metropolis of Colorado, the great source of supplies, and in the midst of a vast and rich mineral producing district, the intending miner in San Juan has unequalled pleasures while *en route*, as well as unequalled facilities for practical, actual experience in the great industry he contemplates. The Kansas Pacific Railway presents the strongest inducements to parties entering the famous San Juan mining country, as it does also to the Black Hills of the north.

The nearest point by rail to the mining regions is reached by the Kansas Pacific Railway and its connections.

The Arkansas Valley Branch, from Kit Carson to La Junta, offers a favorable route, but necessitates a longer haul by wagon, while the *Main Line direct to DENVER* presents not only the advantages intimated above, but an opportunity is offered to visit the mines near Denver, and witness the most practical methods, both for the development of ores and their treatment, either by stamp mills, concentration works or smelting, and thus learn, by practical examination, what it would require months to learn in a new mining country; and also all rail transportation *via* La Veta and Fort Garland to within easy reach of the very heart of the mining districts.

From Denver, the Denver & Rio Grande Railroad is built south and west to La Veta, and soon will reach Fort Garland, in the border of San Luis Park, which is about 165 miles from Silverton, in San Juan county, the heart of the San Juan mines, and 65 miles from Del Norte, a large mining town, 30 miles north of the Summit gold district, and 145 miles from Lake City, in Lake district.

By the Kansas Pacific Railway to Denver, and over the Denver & Rio Grande Railroad, the only starting points to the mines are

The Kansas Pacific Railway is the Pioneer Road of the West.

reached, viz: Fort Garland (via La Veta), La Junta, Canon City and El Moro, five miles west of Trinidad.

The route *via* La Veta is no doubt destined to become the favorite, as it is the most practical and cheapest; its all rail connections, reaching to within so short a distance, even at the present time, of all the most desirable points. The close connections at Denver, with the Denver & Rio Grande Railroad made by the Kansas Pacific Fast Freight Express, enables shippers to secure the most expeditious transportation at lowest rates, and parties sending goods, implements or machinery, should always consign them "care Kansas Pacific Railway," which gives the fastest freight time west of the Missouri river.

With reference to the wagon routes from the terminal points of railway, it is a matter long since settled that the most practical wagon route to reach the silver and gold regions of San Juan on the Pacific slope, from the east, is Trinidad, via the Costilla canon, in the Raton mountains, thence to Tierra Amarilla, Parrott City and Hermosa, into the Animas valley, which gather in the waters on the western slope. By this route the gold and silver mines of the La Plata district are reached, the coal on the lower Animas, the mines of the Animas, Adams, Uncompahgre and Eureka districts, and a portion of the mines of Lake district, and encountering nowhere on the way any impassable grades, either for wagons or railway. The importance of this route is so well understood by the people of Trinidad and Las Animas county that the former voted \$50,000 and the latter \$200,000 to aid in building a railroad upon this route.

A wagon road is projected from Trinidad, through the Costilla Canon, to the open country beyond (heavy loaded teams are already passing over this route), which, with the completion of the road from Cascade Creek to Silverton, a distance of eighteen miles, which must speedily follow, will give an easy grade and good route at all seasons.

From La Veta the route would be by way of Fort Garland to Del Norte, and from thence to Antelope Springs, and by wagon road to Howardsville and northwest to Lake City. From the northern points the route would be through Poncho Pass.

Ship your Mining Supplies via the Kansas Pacific Railway.

COAL IN SAN JUAN.

Naturally enough when the mineral character of San Juan was determined the investigation of all that pertained to its development followed.

It was, however, scarcely expected that coal, so necessary to the large smelting interests that must soon grow up there, could be found at the very doors of the furnaces, as it were; but in this the discovery of coal on the Lower Animas river, near Elbert, and the still larger bodies discovered on the Rio Mancos, about seventy-five miles below Silverton, was a glad surprise to everybody interested in that country. The coal near Elbert has a vein about sixteen feet thick, and resembling what is known as cannel coal. It is found over a large scope of country, and is said to make coke of a superior quality. The vein on the Mancos is much more desirable, being fifty feet in thickness, and equal for coke to the best Connells-ville coal, with a much larger area than the first mentioned. The value of these coal deposits is incalculable, being far superior to the anthracite coal of Pennsylvania or the soft coals of Missouri and Kansas, which are not suitable to make the coke used in smelting. Pittsburg furnishes Colorado smelters large quantities of coke made from a coal found near Connellsville.

TABLE OF DISTANCES.

The following table gives the distances from principal railroad towns in Colorado to different points in the San Juan mines, reached by wagon roads:

FROM GARLAND, VIA CUNNINGHAM GULCH.

TO	Between Stations.	From Garland.
Del Norte.....	65	65
Wagon Wheel Gap.....	30	95
Ante'ope Springs.....	20	115
San Juan City.....	5	120
Antelope Park.....	3	123
Jennison's Ranch.....	23	146
Summit of Range.....	10	156
Howardsville.....	9	165
Silverton.....	5	170

VIA LAKE CITY.

Del Norte.....	65	65
Wagon Wheel Gap.....	30	95
Antelope Springs.....	20	115
Mirror Lake.....	4	119
Clear Creek Falls.....	6	125
Cevolla.....	6	131
Hay Ranch.....	8	139
Lake City.....	6	145
Animas Forks.....	27	172
Eureka.....	4	176
Howardsville.....	4	180
Silverton.....	5	185

NOTE.—Cucharas is sixty miles farther to the points given above than Fort Garland.

CANON CITY, VIA DEL NORTE.

Saguache.....	110	110
Del Norte.....	35	145
Wagon Wheel Gap.....	30	175
Antelope Springs.....	20	195
San Juan City.....	5	200
Antelope Park.....	3	203

Between Stations. From Garland.

Jennison's Ranch.....	23	226
Summit of Range.....	10	236
Howardsville.....	9	245
Silverton.....	5	250

CANON CITY, VIA LAKE CITY.

Saguache.....	110	110
Rock Cliff.....	10	120
Toll Gate.....	10	130
Old Indian Agency.....	15	145
Rock Creek.....	10	155
Beaver Creek.....	8	163
Cevolla.....	7	170
Junc'n of Ouray Road..	15	185
Bridge.....	12	197
Lake City.....	13	210
Animas Forks.....	27	237
Silverton.....	13	250

FROM EL MORO (FIVE MILES FROM TRINIDAD) VIA GARLAND.

Fort Garland.....	50	50
Del Norte.....	65	115
Silverton.....	105	220

PUEBLO TO SILVERTON

Del Norte.....	140	140
Silverton.....	105	245

Distance from Del Norte to

Summit.....	30 miles
Del Norte to Decatur.....	30 "
Del Norte to Alamosa.....	42 "
Lake City to Ouray.....	78 "
Silverton to Parrott City.....	60 "
Silverton to San Miguel Gold Mines.....	15 "

Go to San Juan via Denver and Ft. Garland.

MINING LAWS.

CHAPTER 6,

ENTITLED "MINING LANDS AND MINERAL RESOURCES," RESERVED FROM
SALE UNDER THE PRE-EMPTION ACTS.

[From Revised Statutes of the United States and the Statutes of Colorado, being a full text of all the laws now in force concerning mining rights.]

SEC. 2318. In all cases land valuable for minerals shall be reserved from sale except as otherwise expressly directed by law.—*Sec 5, July 4, 1866.*

SEC. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.—*Sec. 1, May 10, 1872.*

LENGTH AND WIDTH OF CLAIM.

SEC. 2320. Mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits heretofore located, shall be governed as to length along the vein or lode by the customs, regulations and laws in force at the date of their location. A mining claim located after the tenth day of May, eighteen hundred and seventy two, whether located by one or more persons, may equal, but shall not exceed one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located.

The Kansas Pacific is the best equipped Road in the West.

No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end-lines of each claim shall be parallel to each other—*Sec. 2, May 10, 1872.*

PROOF OF CITIZENSHIP.

SEC. 2321. Proof of Citizenship under this chapter may consist, in the case of an individual, of his own affidavit; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief, and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, by the filing of a certified copy of their charter or certificate of incorporation.—*Sec. 7, May 10, 1872.*

SURFACE, DIP AND SIDE VEINS.

SEC. 2322. The locators of all mining locations heretofore made, or which shall hereafter be made, or any mineral vein, lode or ledge, situated on the public domain, their heirs and assigns where no adverse claim exists, on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, Territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes and ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical lines of such surface locations; but their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward, as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges; and nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the

Take the Kansas Pacific Railway for all Mining Towns in Colorado.

vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.—*Sec. 3, May 10, 1872.*

TUNNELS.

SEC. 2323. Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.—*Sec. 4, May 10, 1872.*

DISTRICT RULES, LOCATION AND ANNUAL LABOR.

SEC. 2324. The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground, so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim, and upon a failure to comply with these conditions, the claim or mine upon

Miners and Mill Men ship by the Kansas Pacific Railway.

which such failure occurred shall be open to re-location, in the same manner as if no location of the same had ever been made; *Provided*, That the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if, at the expiration of ninety days after such notice in writing or by publication, such delinquent should fail or refuse to contribute its proportion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures.—*Sec. 5, May 10, 1872.*

APPLICATION FOR PATENT.

SEC. 2325. A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the United States Surveyor General, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land office, and shall thereupon be entitled to a patent for the land in the manner following: The Register of the Land Office, upon the filing of such application, plat, field notes, notices and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claim-

Take the Great New Route into San Juan by Kansas Pacific Railway.

ant, at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the Register a certificate of the United States Surveyor-General that five hundred dollars' worth of labor has been expended on improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of sixty days of publication, the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the Register and the Receiver of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists, and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter.—*Sec. 6, May 10, 1872.*

PLACERS.

SEC. 2329. Claims usually called "placers," including all forms of deposit, excepting veins of quartz or other rock in place, shall be subject to entry and patent under like circumstances and conditions, and upon similar proceedings as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivision of the public lands.—*Sec. 12, July 9, 1870.*

SEC. 2330. Legal subdivisions of forty acres may be subdivided into ten-acre tracts, and two or more persons or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer claim made after the ninth day of July, eighteen hundred and seventy, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any *bona fide* pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any *bona fide* settler to any purchaser.—*Sec. 12, July 9, 1870.*

Buy your Tickets to Canon City, via Kansas Pacific Railway.

2331. Where placer claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims located after the tenth day of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public land surveys and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant, but where placer claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral land in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes.—*Sec 10, May 10, 1872.*

LIENS AND LIMITATIONS.

SEC. 2332. Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claim for such period shall be sufficient to establish a right to a patent thereto under this chapter in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining claim or property thereto attached prior to the issuance of a patent.—*Sec. 13, July 9, 1870.*

PLACER CLAIM CONTAINING LODGE.

SEC. 2333. Where the same person, association or corporation, is in possession of a placer claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer claim, or any placer claim not embracing any vein or lode claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section 2320

Miners going or returning take the Kansas Pacific Railway.

of this Act, is known to exist within the boundaries of a placer claim, an application for a patent for such placer claim which does not include an application for the vein or lode claim, shall be construed as a conclusive declaration that the claimant of the placer claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer claim is not known, a patent for the placer claim shall convey all valuable mineral and other deposits within the boundaries thereof.—*Sec. 11, May 10, 1872.*

DEPUTY SURVEYORS AND FEES.

SEC. 2334. The Surveyor-General of the United States may appoint in each land district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States Deputy Surveyor to make the survey. The commissioner of the general land office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter, and in case of excessive charges for publication, he may designate any newspaper published in a land district where mines are situated, for the publication of mining notices in such district, and fix the rates to be charged by such paper; and to the end that the commissioners may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land office, which statement shall be transmitted, with the other papers in the case, to the commissioner of the general land office.—*Sec. 12, May 10, 1872.*

AFFIDAVITS AND PROOFS.

SEC. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths within the land district where the claim may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same

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force and effect as if taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided, on personal notice of at least ten days to the opposing party; or if such party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land office as published nearest to the location of such land, and the register shall require proof that such notice has been given.—*Sec. 13, May 10, 1872.*

CROSS VEINS.

SEC. 2336. Where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection, for the purposes of the convenient working of the mine; and, where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.—*Sec. 14, May 10, 1872.*

MILL SITES.

SEC. 2337. Where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site as provided in this section.—*Sec. 15, May 10, 1872.*

EASEMENTS.

SEC. 2338. As a condition of sale in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines involving easements, drainage and other necessary means to their complete development.

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and those conditions shall be fully expressed in the patent.—*Sec. 5, July 26, 1866.*

WATER RIGHTS.

SEC. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws and decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified, is acknowledged and confirmed; but whenever any person in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.—*Sec. 9, July 26, 1866.*

SEC. 2340. All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water rights or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under or recognized by the preceding section.—*Sec. 17, July 9, 1870.*

HOMESTEADS.

SEC. 2341. Wherever, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intentions to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar or copper discovered, and which are properly agricultural lands, the settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty acres, or they may avail themselves of the provisions of chapter five of this title, relating to homesteads.—*Sec. 10, July 26, 1866.*

SEC. 2342. Upon the survey of the lands described in the preceding section, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as

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other public lands, and be subject to all the laws and regulations applicable to the same.—*Sec. 11, July 26, 1866.*

MISCELLANEOUS.

SEC. 2343. The President is authorized to establish additional land districts, and to appoint the necessary officers under existing laws wherever he may deem the same necessary for the public convenience in executing the provisions of this chapter.—*Sec. 7, July 26, 1866.*

SEC. 2344. Nothing contained in this chapter shall be construed to impair in any way rights or interests in mining property acquired under existing laws.—*Sec. 17, July 9, 1870. Sec. 16, May 10, 1872.*

SEC. 2346. No act passed at the first session of the Thirty-Eighth Congress granting lands to states or corporations, to aid in the construction of roads or for other purposes, or to extend the time of grants made prior to the thirtieth day of January, eighteen hundred and sixty-five, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant.—*Res. No. 10, January 30, 1865.*

COAL LANDS.

SEC. 2347. Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the Register of the proper Land Office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the Receiver of not less than ten dollars per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than twenty dollars per acre for such lands as shall be within fifteen miles of such road.—*Sec. 1, March 3, 1873.*

SEC. 2348. Any person or association of persons severally qualified as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry, under the preceding section, of

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the mines so opened and improved. *Provided*, That when an association of not less than four persons, severally qualified as above provided, shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres including such mining improvements.—*Sec. 2, Ibid.*

SEC. 2349. All claims under the preceding section must be presented to the register of the proper land district within sixty days after date of actual possession and the commencement of improvements on the land by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office; and where the improvements shall have been made prior to the expiration of three months from the third day of March, eighteen hundred and seventy-three, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement, and no sale under the provisions of this section shall be allowed until the expiration of six months from the third day of March, eighteen hundred and seventy-three.—*Sec. 3 Ibid.*

SEC. 2350. The three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons, any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions; and all persons claiming under section twenty-three hundred and forty-eight shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.—*Sec. 4 Ibid.*

SEC. 2351. In case of conflicting claims upon coal lands where the improvement shall be commenced after the third day of March, eighteen hundred and seventy-three, priority of possession and improvement followed by proper filing and continued good faith, shall determine the preference right to purchase. And also when improvements have already been made prior to the third day of March, eighteen hundred and seventy-three, division of the land claimed may be made by legal sub-divisions, to include as near as may be

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the valuable improvements of the respective parties. The Commissioner of the general land office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections.—*Sec. 5, Ibid.*

SEC. 2352. Nothing in the five preceding sections shall be construed to destroy or impair any rights which may have attached prior to the third day of March, eighteen hundred and seventy-three, or to authorize the sale of lands valuable for mines of gold, silver or copper.—*Sec. 6, Ibid.*

AN ACT to amend the Act entitled "An Act to promote the development of the mining resources of the United States," passed May 10, 1872.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled :

That the provisions of the fifth section of the Act, entitled "An Act to promote the development of the mining resources of the United States," passed May 10, 1872, which requires expenditures of labor and improvements on claims located prior to the passage of said Act, are hereby so amended that the time for the first annual expenditure on claims located prior to the passage of said Act, shall be extended to the first day of January, eighteen hundred and seventy-five.—*See p. 31. Approved June 6, 1874.*

AN ACT to amend Section Two Thousand Three Hundred and Twenty-Four of the Revised Statutes relating to the development of the mining resources of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled :

That section 2324 of the Revised Statutes be, and the same is hereby, amended so that where a person or company has or may run a tunnel for the purpose of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by said Act.—*Approved February 11, 1875.*

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TERRITORIAL STATUTES.

AN ACT CONCERNING MINES.

Be it enacted by the Council and House of Representatives of Colorado Territory :

LENGTH 1,500 FEET.

SEC. 1. The length of any lode claim hereafter located may equal but not exceed fifteen hundred feet along the vein.

WIDTH OF 150 OR 300 FEET.

SEC. 2. The width of lode claims hereafter located in Gilpin, Clear Creek, Boulder and Summit counties, shall be seventy-five feet on each side of the center of the vein or crevice; and in all other counties, the width of the same shall be one hundred and fifty feet on each side of the center of the vein or crevice. *Provided*, That hereafter any county may, at any general election, determine upon a greater width, not exceeding three hundred feet on each side of the center of the vein or lode, by a majority of the legal votes cast at said election, and any county, by such vote at such election, may determine upon a less width than above specified.

LOCATION CERTIFICATE.

SEC. 3. The discoverer of a lode shall, within three months from the date of discovery, record his claim in the office of the recorder of the county in which such lode is situated by a location certificate, which shall contain: 1st, the name of the lode; 2d, the name of the locator; 3d, the date of location; 4th, the number of feet in length claimed on each side of the center of the discovery shaft; 5th, the general course of the lode as near as may be.

SEC. 4. Any location certificate of a lode claim which shall not contain the name of the lode, the name of the locator, the date of location, the number of lineal feet claimed on each side of the discovery shaft, the general course of the lode, and such description as shall identify the claim with reasonable certainty, shall be void.

DISCOVERY SHAFT AND STAKING.

SEC. 5. Before filing such location certificate the discoverer shall

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locate his claim by first sinking a discovery shaft upon the lode to the depth of at least ten feet from the lowest part of the rim of such shaft at the surface, or deeper, if necessary to show a well defined crevice. *Second*, by posting at the point of discovery on the surface, a plain sign or notice containing the name of the lode, the name of the locator and the date of discovery. *Third*, by marking the surface boundaries of the claim.

SEC. 6. Such surface boundaries shall be marked by six substantial posts, hewed or marked on the side or sides which are in toward the claim, and sunk in the ground, to-wit: One at each corner and one at the center of each side line. Where it is practically impossible on account of bed-rock or precipitous ground to sink such posts, they may be placed in a pile of stones.

SEC. 7. Any open cut, cross-cut or tunnel which shall cut a lode at the depth of ten feet below the surface, shall hold such lode the same as if a discovery shaft were sunk thereon, or an adit of at least ten feet in along the lode, from the point where the lode may be in any manner discovered, shall be equivalent to a discovery shaft.

SEC. 8. The discoverer shall have sixty days from the time of uncovering or disclosing a lode to sink a discovery shaft thereon.

CLAIM DEFINED BY THE SURFACE LINES.

SEC. 9. The location or location certificate of any lode claim shall be construed to include all surface ground within the surface lines thereof and all lodes and ledges throughout their entire depth, the top or apex of which lie inside of such lines extended downward, vertically, with such parts of all lodes or ledges as continue to dip beyond the side lines of the claim, but shall not include any portion of such lodes or ledges beyond the end lines of the claim or at the end lines continued, whether by dip or otherwise, or beyond the side lines in any other manner than by the dip of the lode.

SEC. 10. If the top or apex of a lode in its longitudinal course extends beyond the exterior lines of the claim at any point on the surface, or as extended vertically downward, such lode may not be followed in its longitudinal course beyond the point where it is intersected by the exterior lines.

RIGHT OF WAY AND RIGHT OF SURFACE.

SEC. 11. All mining claims now located, or which may here-

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after be located, shall be subject to the right of way of any ditch or flume for mining purposes, or of any tramway or pack trail, whether now in use or which may be hereafter laid out across any such location. *Provided, always,* That such right of way shall not be exercised against any location duly made and recorded and not abandoned prior to the establishment of the ditch, flume, tramway, or pack trail, without consent of the owner, except by condemnation, as in case of land taken for public highways. Parol consent to the location of any such easement accompanied by the completion of the same over the claim, shall be sufficient without writings. *And, provided further,* That such ditch or flume shall be so constructed that the water from such ditch or flume shall not injure vested rights by flooding or otherwise.

SEC. 12. When the right to mine is in any case separate from the ownership or right of occupancy to the surface, the owner or rightful occupant of the surface may demand satisfactory security from the miner, and if it be refused, may enjoin such miner from working until such security is given. The order for injunction shall fix the amount of bond.

RELOCATION OF HIS OWN CLAIM BY THE OWNER.

SEC. 13. If at any time the locator or any mining claim heretofore or hereafter located, or his assigns, shall apprehend that his original certificate was defective, erroneous, or that the requirements of the law had not been complied with before filing; or shall be desirous of changing his surface boundaries; or of taking in any part of an overlapping claim which has been abandoned; or in case the original certificate was made prior to the passage of this law, and he shall be desirous of securing the benefits of this act, such locator or his assigns may file an additional certificate subject to the provisions of this act. *Provided,* That such relocation does not interfere with the existing rights of others, at the time of such relocation, and no such relocation or the record thereof, shall preclude the claimant or claimants from proving any such title or titles as he or they may have held under previous location.

LABOR AND PROOF OF LABOR.

SEC. 14. The amount of work done, or improvements made during each year, shall be that prescribed by the laws of the United States.

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SEC. 15. Within six months after any set time, or annual period herein allowed for the performance of labor or making improvements upon any lode claim, the person on whose behalf such outlay was made, or some person for him, shall make and record an affidavit, in substance as follows :

TERRITORY OF COLORADO, } ss.
COUNTY OF }

Before me, the subscriber, personally appeared, who, being duly sworn, saith that at least dollars' worth of work or improvements were performed or made upon [here describe claim or part of claim] situate in mining district, county of Territory of Colorado. Such expenditure was made by or at the expense of, owners of said claim, for the purpose of said claim.

[Surat.]

Signature.

And such signature shall be *prima facie* evidence of the performance of such labor.

RELOCATION OF ABANDONED CLAIMS.

SEC. 16. The relocation of abandoned lode claims shall be by sinking a new discovery shaft and fixing new boundaries in the same manner as if it were the location of a new claim ; or the relocater may sink the original discovery shaft ten feet deeper than it was at the time of abandonment, and erect new, or adopt the old boundaries, renewing the posts, if removed or destroyed. In either case a new location stake shall be erected. In any case, whether the whole or part of an abandoned claim is taken, the location certificate may state that the whole or any part of the new location is located as abandoned property.

ONE RECORD FOR EACH CLAIM.

SEC. 17. No location certificate shall claim more than one location, whether the location be made by one or several locators. And if it purport to claim more than one location, it shall be absolutely void, except as to the first location therein described. And if they are described together, or so that it cannot be told which location is first described, the certificate shall be void as to all.

SEC. 18. All acts or parts of acts in conflict with this act, are hereby repealed.

SEC. 19. This act shall be in force from and after June 15, 1874.

Approved February 13, 1874.

Everybody goes by the Kansas Pacific Railway to San Juan.

AN ACT CONCERNING MINES.

Be it enacted by the Council and House of Representatives of Colorado Territory:

RIGHT OF SURVEY AND INSPECTION.

SEC. 1. In all actions pending in any district court of this Territory, wherein the title or right of possession to any mining claim shall be in dispute, the said court, or the judge thereof, may, upon application of any of the parties to such suit, enter an order for the underground as well as the surface survey of such part of the property in dispute, as may be necessary to a just determination of the question involved. Such order shall designate some competent surveyor, not related to any of the parties to such suit, or in anywise interested in the result of the same; and upon the application of the party adverse to such application, the court may also appoint some competent surveyor, to be selected by such adverse applicant, whose duty it shall be to attend upon such survey, and observe the method of making the same; said second surveyor to be at the cost of the party asking therefor. It shall also be lawful in such order to specify the names of witnesses named by either party, not exceeding three on each side, to examine such property, who shall hereupon be allowed to enter into such property and examine the same; said court or the judge thereof may also cause the removal of any rock, debris, or other obstacle in any of the drifts or shafts of said property, when such removal is shown to be necessary to a just determination of the questions involved; *Provided*, however, that no such order shall be made for survey and inspection, except in open court or in chambers, upon notice of application for such order of at least six days, and not then except by agreement of parties or upon the affidavit of two or more persons that such survey and inspection is necessary to the just determination of the suit, which affidavits shall state the facts in such case, and wherein the necessity for survey exists; nor shall such order be made unless it appears that the party asking therefor had been refused the privilege of survey and inspection by the adverse party.

MANDATORY WRIT OF INJUNCTION RESTORING POSSESSION.

SEC 2 The said district courts of this State, or any judge thereof, sitting in chancery, shall have, in addition to the power already

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possessed, power to issue writs of injunction for affirmative relief, having the force and effect of a writ of restitution, restoring any person or persons to the possession of any mining property from which he or they may have been ousted, by force and violence, or by fraud, or from which they are kept out of possession by threats, or whenever such possession was taken from him or them by entry of the adverse party on Sunday, or a legal holiday, or while the party in possession was temporarily absent therefrom. The granting of such writ to extend only to the right of possession under the facts of the case in respect to the manner in which the possession was obtained, leaving the parties to their legal rights on all other questions as though no such writ had issued.

PENAL SECTIONS AGAINST UNLAWFUL ENTRY.

SEC. 3. In all cases where two or more persons shall associate themselves together for the purpose of obtaining the possession of any lode, gulch or placer claim, then in the actual possession of another, by force and violence, or threats of violence, or by stealth, and shall proceed to carry out such purpose by making threats against the party or parties in possession, or who shall enter upon such lode or mining claim for the purpose aforesaid, or who shall enter upon or into any lode, gulch, placer claim, quartz mill, or other mining property, or not being upon such property, but within hearing of the same, shall make any threats, or make use of any language, signs, or gestures, calculated to intimidate any person or persons at work on said property, from continuing to work thereon or therein, or to intimidate others from engaging to work thereon or therein, every such person so offending shall, on conviction thereof, be fined in a sum not to exceed two hundred and fifty dollars, and be imprisoned in the county jail not less than thirty days nor more than six months; such fine to be discharged either by payment or by confinement in said jail until such fine is discharged at the rate of two dollars and fifty cents (\$2.50) per day. On trials under this section, proof of a common purpose of two or more persons to obtain possession of property, as aforesaid, or to intimidate laborers as above set forth, accompanied or followed by any of the acts above specified by any of them, shall be sufficient evidence to convict any one committing such acts, although the parties may not be associated together at the time of committing the same.

SEC. 4. If any person or persons shall associate and agree to

Kansas Pacific Railway, the Pioneer Line to the San Juan country.

enter or attempt to enter by force of numbers and the terror such numbers is calculated to inspire; or by force and violence, or by threats of violence against any person or persons in the actual possession of any lode, gulch or placer claim, and upon such entry or attempted entry, any person or persons shall be killed, said persons, and all and each of them so entering or attempting to enter, shall be deemed guilty of murder in the first degree, and punished accordingly. Upon the trials of such cases any person or parties cognizant of such entry, or attempted entry, who shall be present, aiding, assisting, or in anywise encouraging such entry, or attempted entry, shall be deemed a principal in the commission of said offense.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 13, 1874.*

*NOTE—The only other acts of 1874, one concerning "ore salting" and one concerning the records of the new districts in La Plata county, containing each but a single section except the enacting clause, have been inserted under previous headings.

LAND OFFICE RULES

UNDER THE ACT OF CONGRESS MAY 10TH, 1874, AND NOW IN FORCE.

1. It will be perceived that the first section of said act leaves the mineral lands in the public domain, surveyed or unsurveyed, open to exploration, occupation, and purchase by all citizens of the United States and all those who have declared their intention to become such.

STATUS OF LODE CLAIMS PREVIOUSLY LOCATED.

2. By an examination of the several sections of the foregoing act it will be seen that the *status* of lode claims located *previous* to the date thereof is not changed with regard to their *extent along the lode or width of surface*, such claims being restricted and governed both as to their *lateral and linear* extent by the State, Territorial or local laws, customs or regulations which were in force in their respective districts at the date of such locations, in so far as the same did not conflict with the limitations fixed by the mining statute of July 26, 1866.—14 Stat. 251.

3. Mining rights acquired under such previous locations are however, enlarged by said act of May 10, 1872, in the following respect, viz: The locators of all such previously taken veins or lode, their heirs and assigns, so long as they comply with the laws of Congress and with State, Territorial, or local regulations, not in conflict therewith, governing mining claims, are invested by said act with the exclusive possessory right of all the surface included within the lines of their locations, and of all veins, lodes, or ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such locations at the surface, it being expressly provided, however, that the right of possession to such outside parts of said veins

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or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as aforesaid, through the end-lines of their locations so continued in their own direction that such planes will intersect such exterior parts of such veins, lodes or ledges; no right being granted, however, to the claimant of such outside portion of a vein or ledge to enter upon the surface location of another claimant.

4. It is to be distinctly understood, however, that the law limits the possessory rights to veins, lodes or ledges *other* than the one named in the original location, to such as were not *adversely claimed at the date of said Act of May 10, 1872*, and that where such other vein or ledge was so adversely claimed at that date, the right of the party so adversely claiming is in no way impaired by said act.

5. From and after the date of said act of Congress, in order to hold the possessory title to a mining claim *previously located* and for which a patent had not been issued, the law requires that *ten dollars* shall be expended annually in labor or improvements on each claim of *one hundred feet* on the course of the vein or lode until a patent shall have been issued therefor; but where a number of such claims are held in common upon the same vein or lode the aggregate expenditure that would be necessary to hold all the claims, at the rate of ten dollars per hundred feet, may be made upon any one claim; a failure to comply with this requirement in any one year subjecting the claim upon which such failure occurred to relocation by other parties, the same as if no previous location thereof had ever been made, unless the claimants under the original location shall have resumed work thereon after such failure and before such relocation.

6. Upon the failure of any one of several co-owners of a vein, lode, or ledge, which has not been patented, to contribute his proportion of the expenditures necessary to hold the claim or claims so held in ownership in common, the co-owners who have performed the labor, or made the improvements as required by said act, may, at the expiration of the year, give such delinquent co-owner personal notice in writing, or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days; and if upon the expiration of ninety days after such notice in writing, or upon the expiration of one hundred and eighty days after the

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first newspaper publication of notice, the delinquent co-owner shall have failed to contribute his proportion to meet such expenditure or improvements, his interest in the claim, by law, passes to his co-owners who have made the expenditures or improvements as aforesaid.

PATENTS FOR VEINS OR LODES HERETOFORE ISSUED.

7. Rights under patents for veins or lodes heretofore granted under previous legislation of Congress, are enlarged by this act, so as to invest the patentee, his heirs or assigns, with title to all veins, lodes, or ledges throughout their entire depth, the top or apex of which lies within the end and side boundary lines of his claim on the surface, as patented, extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of the claim at the surface. The right to possession to such outside parts of such veins or ledges to be confined to such portions thereof as lie between vertical planes drawn downward through the end-lines of the claim at the surface, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges, it being expressly provided, however, that all veins, lodes, or ledges, the top or apex of which lies inside such surface locations, *other* than the one named in the patent, which were *adversely claimed* at the date of said act, are excluded from such conveyance by patent.

8. Applications for patents for mining claims pending at the date of the act of May 10, 1872, may be prosecuted to final decision in the General land office, and where no adverse rights are effected thereby, patents will be issued, in pursuance of the provisions of said act.

MANNER OF LOCATING CLAIMS ON VEINS OR LODES AFTER THE PASSAGE OF THE ACT OF MAY 10, 1872.

9. From and after the date of said act, any person who is a citizen of the United States, or who has declared his intention to become a citizen, may locate, record, and hold a mining claim of *fifteen hundred linear feet* along the course of any mineral vein or lode subject to location; or an association of persons, severally qualified as above, may make joint location of such claim of *fifteen hundred feet*, but in no event can a location of a vein or lode made subsequent to the

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act exceed fifteen hundred feet along the course thereof, whatever may be the number of persons composing the association.

10. With regard to the extent of surface ground adjoining a vein or lode, and claimed for the convenient working thereof, the act provides that the lateral extent of locations of veins or lodes made after its passage shall in no case *exceed three hundred feet on each side of the middle of the vein at the surface*, and that no such surface rights shall be limited by any mining regulations to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing at the date of said act may render such limitation necessary, the end lines of such claims to be in all cases parallel to each other.

11. By the foregoing it will be perceived that no lode claim located after the date of said act can exceed a parallelogram fifteen hundred feet in length by six hundred feet in width, but whether surface-ground of that width can be taken, depends upon the local regulations or State or Territorial laws in force in the several mining districts; and that no such local regulations or State or Territorial laws shall limit a vein or lode claim to less than fifteen hundred feet along the course thereof, whether the location is made by one or more persons, nor can the surface rights be limited to less than fifty feet in width, unless adverse claims existing on the 10th day of May, 1872, render such lateral limitations necessary.

12. It is provided in said act that the miners of each district may make rules and regulations not in conflict with the laws of the United States, or of the State or Territory in which such districts are respectively situated, governing the location, manner of recording, and amount of work necessary to hold possession of a claim. It likewise requires that the location must be so distinctly marked on the ground that its boundaries may be readily traced. This is a very important matter, and locators cannot exercise too much care in defining their locations at the outset, inasmuch as the law requires that all records of mining locations made subsequent to its passage shall contain the name or names of the locators, the date of the location, and such a *description of the claim or claims* located, by reference to some natural object or permanent monument, as will identify the claim.

13. The said act requires that no lode claim can be recorded until after the discovery of a vein or lode within the limits of the ground

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claimed ; the object of which provision is evidently to prevent the encumbering of the district mining record with useless locations before sufficient work has been done thereon to determine whether a vein or lode has been really discovered or not.

14. The claimant should, therefore, prior to recording his claim, unless the vein can be traced upon the surface, sink a shaft, or run a tunnel or drift to a sufficient depth therein to discover and develop a mineral-bearing vein, lode, or crevice, should determine, if possible, the general course of such vein in either direction from the point of discovery, by which direction he will be governed in marking the boundaries of his claim on the surface, and should give the course and distance as nearly as practicable from the discovery shaft on the claim to some permanent, well known points or objects, such, for instance, as stone monuments, blazed trees, the confluence of streams, point of intersection of well known gulches, ravines or roads, prominent buttes, hills, etc., which may be in the immediate vicinity, and which will serve to perpetuate and fix the *locus* of the claim and render it susceptible of identification from the description thereof given in the record of locations in the district.

15. In addition to the foregoing data, the claimant should state the names of adjoining claims, or if none adjoin, the relative positions of the nearest claims ; should drive a post or erect a monument of stones at each corner of his surface ground, and at the point of discovery, or discovery shaft, should fix a post, stake or board, upon which should be designated the name of the lode, the name or names of the locators, the number of feet claimed, and in which direction from the point of discovery, it being essential that the location notice filed for record, in addition to the foregoing description, should state whether the entire claim of fifteen hundred feet is taken on one side of the point of discovery, or whether it is partly upon one and partly upon the other side thereof, and in the latter case, how many feet are claimed upon each side of such discovery point.

16. Within a reasonable time, say twenty days after the location shall have been marked on the ground, notice thereof, accurately describing the claim, in the manner aforesaid, should be filed for record with the proper recorder of the district, who will, thereupon, issue the usual certificate of location.

17. In order to hold the possessory right to a claim of fifteen hundred feet of a vein or lode located as aforesaid, the act requires

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that until a patent shall have been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made thereon during each year, in default of which the claim shall be subject to relocation by any other party having the necessary qualifications, unless the original locator, his heirs, assigns, or legal representatives, have resumed work thereon, after such failure and before such relocation.

18. The importance of attending to these details in the matter of location, labor and expenditure, will be more readily perceived when it is understood that a failure to give the subject proper attention, may invalidate the claim.

TUNNEL RIGHTS.

19. The fourth section of the act provides that where a tunnel is run for the development of a vein or lode or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel and while the same is being prosecuted with reasonable diligence, shall be invalid, but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins or lodes on the line of said tunnel.

20. The effect of this section is simply to give the proprietors of a mining tunnel, run in good faith, the possessory right to fifteen hundred feet of any blind lodes cut, discovered or intersected by such tunnel, which were not previously known to exist, within three thousand feet from the face or point of commencement of such tunnel, and to prohibit other parties, after the commencement of the tunnel, from prospecting for and making locations of lodes on the *line thereof* and within said distance of three thousand feet, unless such lodes appear upon the surface, or were previously known to exist.

21. The term "face," as used in said section, is construed and held to mean the first working face formed in the tunnel, and to signify the point at which the tunnel actually enters cover, it being from

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this point that the three thousand feet are to be counted, upon which prospecting is prohibited as aforesaid.

22. To avail themselves of the benefits of this provision of law, the proprietors of a mining tunnel will be required, at the time they enter cover, as aforesaid, to give proper notice of their tunnel location, by erecting a substantial post, board or monument, at the face or point of commencement thereof, upon which should be posted a good and sufficient notice, giving the names of the parties or company claiming the tunnel right; the actual or proposed course or direction of the tunnel; the height and width thereof, and the course and distance from such face or point of commencement to some permanent well known objects in the vicinity by which to fix and determine the *locus* in manner heretofore set forth applicable to locations of veins or lodes, and at the time of posting such notice they shall, in order that miners or prospectors may be enabled to determine whether or not they are within the lines of the tunnel, establish the boundary lines thereof by stakes or monuments placed along such lines at proper intervals, to the terminus of three thousand feet from the face or point of commencement of the tunnel, and the lines so marked will define and govern as to the specific boundaries within which prospecting for lodes not previously known to exist is prohibited while work on the tunnel is being prosecuted with reasonable diligence.

23. At the time of posting notice and marking the lines of the tunnel, as aforesaid, a full and correct copy of such notice of location defining the tunnel claim must be filed for record with the mining recorder of the district, to which notice must be attached the sworn statement or declaration of the owners, claimants or projectors of such tunnel, setting forth the facts in the case; stating the amount expended by themselves and their predecessors in interest in prosecuting work thereon; the extent of the work performed, and that it is *bona fide* their intention to prosecute work on the tunnel so located and described with reasonable diligence for the development of a vein or lode, or for the discovery of mines, or both, as the case may be.

24. This notice of location must be duly recorded, and, with the said sworn statement attached, kept on the recorder's files for future reference.

25. By a compliance with the foregoing, much needless difficulty
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will be avoided, and the way for the adjustment of legal rights acquired in virtue of said fourth section of the act will be made much more easy and certain.

26. This office will take particular care that no improper advantage is taken of this provision of law by parties making or professing to make tunnel locations ostensibly for the purpose named in the statute, but really for the purpose of monopolizing the land lying in front of their tunnels to the detriment of the mining interests and to the exclusion of *bona fide* prospectors or miners; but will hold such tunnel claimants to a strict compliance with the terms of the act; and as *reasonable diligence* on their part in prosecuting the work is one of the essential conditions of their implied contract, negligence or want of due diligence will be construed as working a forfeiture of their right to all undiscovered veins on the line of such tunnel.

MANNER OF PROCEEDING TO OBTAIN GOVERNMENT TITLE TO VEIN OR
LODE CLAIMS.

27. By the sixth section of said act, authority is given for granting title for mines by patent from the government, to any person, association, or corporation having the necessary qualifications as to citizenship, and holding the right of possession to a claim in compliance with law.

28. The claimant is required in the first place to have a correct survey of his claim made under authority of the surveyor general of the State or Territory in which the claim lies; such survey to show with accuracy the exterior surface boundaries of the claim, which boundaries are required to be distinctly marked by monuments on the ground.

29. The claimant is then required to post a copy of the plat of such survey in a conspicuous place upon the claim, together with the notice of his intention to apply for a patent therefor, which notice will give the date of posting, the name of the claimant, the name of the claim, mine, or lode, the mining district or county; whether the location is of record, and if so, where the record may be found; the number of feet claimed along the vein, and the presumed direction thereof; the number of feet claimed on the lode in each direction from the point of discovery, or other well defined place on the claim, the name or names of adjoining claimants on

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the same or other lodes, or if none adjoin, the names of the nearest claims, etc.

30. After posting the said plat and notice upon the premises, the claimant will file with the proper register and receiver, a copy of such plat, and the field notes of survey of the claim, accompanied by the affidavit of at least two credible witnesses, that such plat and notice are posted conspicuously upon the claim, giving the date and place of such posting; a copy of the notice so posted to be attached to and form a part of said affidavit.

31. Attached to the field notes so filed, must be the sworn statement of the claimant that he has the possessory right to the premises therein described, in virtue of a compliance, by himself, (and by his grantors, if he claims by purchase,) with the mining rules, regulations, and customs, of the mining district, State, or Territory, in which the claim lies, and with the mining laws of Congress; such sworn statement to narrate briefly, but as clearly as possible, the facts constituting such compliance, the origin of his possession, and the basis of his claim to a patent,

32. This affidavit should be supported by appropriate evidence from the mining recorder's office, as to his possessory right, as follows, viz: Where he claims to be a locator, a full, true, and correct copy of such location should be furnished, as the same appears upon the mining records; such copy to be attested by the seal of the recorder, or, if he has no seal, then he should make oath to the same being correct, as shown by his records; where the applicant claims as a locator, in company with others, who have since conveyed their interests in the lode to him, a copy of the original record of location should be filed, together with an abstract of title from the proper recorder, under seal or oath as aforesaid, tracing the co-locator's possessory rights in the claim, to such applicant for patent; where the applicant claims only as a purchaser for valuable consideration, a copy of the location record must be filed, under seal or upon oath as aforesaid, with an abstract of title certified as above, by the proper recorder, tracing the right of possession by a continuous chain of conveyances, from the original locators to the applicant.

33. In the event of the mining records in any case having been destroyed by fire, or otherwise lost, affidavit of the fact should be made, and secondary evidence of possessory title will

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be received, which may consist of the affidavit of the claimant, supported by those of any other parties cognizant of the facts relative to his location, occupancy, possession, improvements, etc.; and in such case of lost records, any deeds, certificates of location or purchase, or other evidence which may be in the claimant's possession, and tend to establish his claim, should be filed.

34. Upon the receipt of these papers the register will, at the expense of the claimant, publish a notice of such application for the period of sixty days, in a newspaper published nearest to the claim, and will post a copy of such notice in his office for the same period.

35. The notices so published and posted must be as full and complete as possible, and embrace all the data given in the notice posted upon the claim.

36. Too much care cannot be exercised in the preparation of these notices, inasmuch as upon their accuracy and completeness will depend, in a great measure, the regularity and validity of the whole proceeding.

37. The claimant, either at the time of filing these papers with the register, or at any time during the sixty days' publication, is required to file a certificate of the Surveyor-General that not less than five hundred dollars' worth of labor has been expended or improvements made upon the claim by the applicant or his grantors; that the plat filed by the applicant is correct; that the field notes of the survey, as filed, furnish such an accurate description of the claim as will, if incorporated into a patent, serve to fully identify the premises, and that such reference is made therein to natural objects or permanent monuments as will perpetuate and fix the *locus* thereof.

38. It will be the more convenient way to have this certificate endorsed by the surveyor general, both upon the plat and field notes of the survey filed by the claimant as aforesaid.

39. After the period of sixty days' of newspaper publication has expired, the claimant will file his affidavit, showing that the plat and notice aforesaid remained conspicuously posted upon the claim sought to be patented, during said sixty days' publication.

40. Upon the filing of this affidavit the register will, if no adverse claim was filed in his office during the period of publication,

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permit the claimant to pay for the land according to the area given in the plat and field notes of survey aforesaid, at the rate of five dollars for each acre and five dollars for each fractional part of an acre, the receiver issuing the usual duplicate receipt therefor; after which the whole matter will be forwarded to the commissioner of the general land office and a patent issued thereon, if found regular.

41. In sending up the papers in the case, the register must not omit certifying to the fact that the notice was posted in his office for the full period of sixty days, such certificate to state distinctly when such posting was done and how long continued.

42. The consecutive series of numbers of mineral entries must be continued, whether the same are of lode or placer claims.

43. The surveyor general must continue to designate all surveyed mineral claims, as heretofore, by a progressive series of numbers, beginning with lot No. 37 in each township; the claim to be so designated at date of filing the plat, field notes, etc., in addition to the local designation of the claim; it being required in all cases that the plat and field notes of the survey of a claim must, in addition to the reference to permanent objects in the neighborhood, describe the *locus* of the claim with reference to the lines of public surveys, by a line connecting a corner of the claim with the nearest public corner of the United States surveys, unless said claim be on unsurveyed lands at a remote distance from such public corner; in which latter case the reference by course and distance to permanent objects in the neighborhood will be a sufficient designation by which to fix the *locus* until the public surveys shall have been closed upon its boundaries.

ADVERSE CLAIMS.

44. The seventh section of the act provides for adverse claims; fixes the time within which they shall be filed to have legal effect, and prescribes the manner of their adjustment.

45. Said section requires that the adverse claim shall be filed during the period of publication of notice; that it must be on the oath of the adverse claimant; and that it must show the nature, the boundaries, and the extent of the adverse claim.

46. In order that this section of law may be properly carried into effect, the following is communicated for the information of all concerned:

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47. An adverse mining claim must be filed with the register of the same land office with whom the application for patent was filed, or, in his absence, with the receiver, and within the sixty days' period of newspaper publication of notice.

48. The adverse notice must be duly sworn to before an officer authorized to administer oaths within the land-district, or before the register or receiver; it will fully set forth the nature and extent of the interference or conflict; whether the adverse party claims as a purchaser for a valuable consideration or as a locator; if the former, the original conveyance, or a duly certified copy thereof, should be furnished, or if the transaction was a mere verbal one he will narrate the circumstances attending the purchase, the date thereof and the amount paid, which facts should be supported by the affidavit of one or more witnesses, if any were present at the time, and if he claims as a locator, he must file a duly certified copy of the location, from the office of the proper recorder.

49. In order that the "*boundaries*" and "*extent*" of the claim may be shown, it will be incumbent upon the adverse claimant to file a plat showing his claim and its relative situation and position with the one against which he claims, so that the extent of the conflict may be the better understood. This plan must be made from an actual survey by a United States deputy surveyor, who will officially certify thereon to its correctness; and in addition there must be attached to such plat of survey a certificate or sworn statement by the surveyor as to the approximate value of the labor performed or improvements made upon the claim of the adverse party, and the plat must indicate the position of any shafts, tunnels, or other improvements, if any such exist, upon the claim of the party opposing the application.

50. Upon the foregoing being filed within the sixty days as aforesaid, the register, or in his absence the receiver, will give notice in writing to *both parties* to the contest that such adverse claim has been filed, informing them that the party who filed the adverse claim will be required within thirty days from the date of such filing, to commence proceedings in a court of competent jurisdiction, to determine the question of right of possession, and to prosecute the same with reasonable diligence to final judgment, and that should such adverse claimant fail to do so, his adverse claim will be considered waived, and the application for the patent be allowed to proceed upon its merits.

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51. When an adverse claim is filed as aforesaid, the register or receiver will indorse upon the same the precise date of filing, and preserve a record of the date of notifications issued thereon; and thereafter all proceedings on the application for patent will be suspended, with the exception of the completion of the publication and posting of notices and plat, and the filing of the necessary proof thereof, until the controversy shall have been adjudicated in court, or the adverse claim waived or withdrawn.

52. The proceedings after rendition of judgment by the court in such case are so clearly defined by the act itself as to render it unnecessary to enlarge thereon in this place.

PLACER CLAIMS.

53. The tenth section of the act under consideration provides "that the act entitled 'An act to amend an act granting the right of way to ditch and canal owners over the public lands, and for other purposes,' approved July 9, 1870, shall be and remain in full force, except as to the proceedings to obtain a patent, which shall be similar to the proceedings prescribed by section six and seven of this act for obtaining patents for vein or lode claims, but where said placer claims shall be upon surveyed lands and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims hereafter located shall conform, as nearly as practicable, with the United States system of public land surveys and the rectangular subdivisions of such surveys, and no such locations shall include more than twenty acres for each individual claimant; but where placer claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands," etc.

54. The proceedings for obtaining patents for veins or lodes having already been fully given, it will not be necessary to repeat them here; it being thought that careful attention thereto by applicants and the local officers will enable them to act understandingly in the matter, and make such slight modifications in the notice, or otherwise, as may be necessary in view of the different nature of the two classes or claims, placer claims being fixed, however, at two dollars and fifty cents per acre, or fractional part of an acre.

55. The twelfth and thirteenth sections of said Act of July 9, 1870, read as follows: * * * *

56. It will be observed that that portion of the first proviso

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to said twelfth section, which requires placer claims upon surveyed lands to conform to legal subdivisions, is repealed by the present statute with regard to claims heretofore located, but that where such claims are located previous to the survey and *do not* conform to legal subdivisions, survey, plat, and entry thereof may be made according to the boundaries fixed by local rules, but that where such claims *do* conform to legal subdivisions, the entry may be effected according to such legal subdivisions without the necessity of further survey or plat.

57. In the second proviso to said twelfth section, authority is given for the subdivision of forty-acre legal subdivisions into *ten-acre* lots, which is intended for the greater convenience of miners in segregating their claims both from one another and from intervening agricultural land.

58. It is held, therefore, that under a proper construction of the law, these ten-acre lots in mining districts should be considered and dealt with, to all intents and purposes, as legal subdivisions, and that an applicant having a legal claim which conforms to one or more of these ten-acre lots, either adjoining or cornering, may make entry thereof, after the usual proceedings, without further survey or plat.

59. In cases of this kind, however, the notice given of the application must be very specific and accurate in description, and as the forty-acre tracts may be sub-divided into ten-acre lots, either in the form of ten by ten chains, or of parallelograms, five by twenty chains, so long as the lines are parallel and at right angles with the lines of the public surveys, it will be necessary that the notice and application state specifically what ten-acre lots are sought to be patented, in addition to the other *data* required in the notice.

60. Where the ten-acre sub-division is in the form of a square, it may be described, for instance, as the "S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$," or, if in the form of a parallelogram, as aforesaid, it may be described as the "W. $\frac{1}{2}$ of the W. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$, (or, the N. $\frac{1}{2}$ of the S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$) of section —, township —, range —," as the case may be; but, in addition to this description of the land, the notice must give all the other *data* that is required in a mineral application, by which parties may be put on inquiry as to the premises sought to be patented.

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61. The proceedings necessary for the adjustment of rights where a known vein or lode is embraced by a placer claim, are so clearly defined in the eleventh section of the act as to render any particular instructions upon that point at this time unnecessary.

62. When an adverse claim is filed to a placer application, the proceedings are the same as in the case of vein or lode claims already described.

QUANTITY OF PLACER GROUND SUBJECT TO LOCATION.

63. By the twelfth section of the said amendatory Act of July 9, 1870, (third proviso), it is declared "that no location of a placer claim hereafter made shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys," etc.

64. The tenth section of the Act of May 10, 1872, provides that "all placer mining claims hereafter located shall conform, as near as practicable, with the United States system of public land surveys, and the rectangular sub-divisions of such surveys, and no such locations shall include more than twenty acres for each individual claimant."

65. The foregoing provisions of law are construed to mean that after the ninth day of July, 1870, no location of a placer claim can be made to exceed one hundred and sixty acres, whatever may be the number of locators associated together, or whatever the local regulations of the district may allow; and that from and after the passage of said act of May 10, 1872, no location made by an individual can exceed twenty acres, and no location made by an association of individuals can exceed one hundred and sixty acres, which locations of one hundred and sixty acres can not be made by a less number than eight *bona fide* locators, but that whether as much as twenty acres can be located by an individual, or one hundred and sixty acres by an association, depends entirely upon the mining regulations in force in the respective districts at the date of the location; it being held that such mining regulations are in no way enlarged by said Acts of Congress, but remain intact and in full force with regard to the size of locations, in so far as they do not permit locations in excess of the limits fixed by Congress, but that where such regulations permit locations in excess of the maximums fixed by Congress as aforesaid, they are restricted accordingly.

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66. The regulations hereinbefore given as to the manner of making locations on the ground, and placing the same on record, must be observed in the case of placer locations, so far as the same are applicable; the law requiring, however, that where placer claims are upon surveyed public lands, the locations must hereafter be made to conform to legal subdivisions thereof.

67. With regard to the proofs necessary to establish the possessory right to a placer claim, the said thirteenth section of the Act of July 9, 1870, provides that "where said person or association, they and their grantors, shall have held and worked their said claims for a period equal to the time prescribed by the statute of limitations for mining claims for the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this Act in the absence of any adverse claim.

68. This provision of law will greatly lessen the burden of proof, more especially in the case of old claims located many years since, the records of which, in many cases have been destroyed by fire, or lost in other ways during the lapse of time, but concerning the possessory right to which all controversy or litigation has long been settled.

69. When an applicant desires to make proof of possessory right, in accordance with this provision of law, you will not require him to produce evidence of location, copies of conveyance, or abstracts of title, as in other cases, but will require him to furnish a duly certified copy of the statute of limitations for mining claims for the State or Territory, together with his sworn statement, giving a clear and succinct narration of the facts as to the origin of his title, and likewise as to the continuation of his possession of the mining ground covered by this application; the area thereof, the nature and extent of the mining that has been done thereon; whether there has been any opposition to his possession or litigation with regard to his claim; and if so, when the same ceased; whether such cessation was caused by compromise or by judicial decree, and any additional facts, within the claimant's knowledge having a direct bearing upon his possession and *bona fides* which he may desire to submit in support of his claim.

70. There should likewise be filed a certificate under seal of the court having jurisdiction of mining cases within the judicial district

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embracing the claim, that no suit or action of any character whatever, involving the right of possession to any portion of the claim applied for is pending, and that there has been no litigation before said court affecting the title to said claim or any part thereof, for a period equal to the time fixed by the statute of limitations for mining claims in the State or Territory as aforesaid, other than that which has been finally decided in favor of the claimant.

71. The claimant should support his narrative of facts relative to his possession, occupancy, and improvements, by corroborative testimony of any disinterested person or persons of credibility, who may be cognizant of the facts in the case, and are capable of testifying understandingly in the premises.

72. It will be to the advantage of claimants to make their proofs as full and complete as practicable.

APPOINTMENT OF DEPUTY SURVEYORS OF MINING CLAIMS—CHARGES FOR SURVEYS AND PUBLICATIONS—FEES OF REGISTERS AND RECEIVERS, ETC.

73. The twelfth section of the said Act of May 10, 1862, provides for the appointment of surveyors of mineral claims, authorizes the commissioner of the General Land Office to establish the rates to be charged for surveys and for newspaper publications, prescribes the fees allowed to the local officers for receiving and acting upon applications for mining patents and for adverse claims thereto, etc.

74. The surveyors-general of the several districts, will, in pursuance of said law, appoint in each land district as many competent deputies for the survey of mining claims as may seek such appointment; it being distinctly understood that all expense of these notices and surveys are to be borne by the mining claimants and not by the United States; the system of making deposits for mineral surveys, as required by previous instructions, being hereby revoked as regards field work; the claimant having the option of employing any deputy surveyor within such district to do his work in the field.

75. With regard to the *platting* of the claim and other *office work* in the surveyor-general's office, that officer will make an estimate of the cost thereof, which amount the claimant will deposit with any assistant United States treasurer, or designated depository,

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in favor of the United States treasurer, to be passed to the credit of the fund created by "individual depositors for surveys of the public lands," and file with the surveyor general duplicate certificates of such deposit, in the usual manner.

76. The surveyors-general will endeavor to appoint mineral deputy surveyors, as rapidly as possible, so that one or more may be located in each mining district for the greater convenience of miners.

77. The usual oaths will be required of these deputies and their assistants as to the correctness of each survey executed by them.

78. The law requires that each applicant shall file with the register and receiver a sworn statement of all charges and fees paid by him for publication of notice and for survey, together with all fees and moneys paid the register and receiver, which sworn statement is required to be transmitted to this office, for the information of the commissioner.

79. Should it appear that excessive or exorbitant charges have been made by any surveyor or any publisher, prompt action will be taken with the view of correcting the abuse.

80. The fees payable to the register and receiver, for filing and acting upon applications for mineral land patents, made under said act of May 10, 1872, are five dollars to each officer, to be paid by the applicant for patent at the time of filing, and the like sum of five dollars is payable to each officer by an adverse claimant at the time of filing his adverse claim.

81. All fees or charges under this act, or the acts of which it is amendatory, may be paid in United States currency.

82. The register and receiver will, at the close of each month, forward to this office an abstract of mining applications filed, and a register of receipts, accompanied with an abstract of mineral lands sold.

83. The fees and purchase money received by registers and receivers must be placed to the credit of the United States in the receiver's monthly and quarterly account, charging up in the disbursing account the sums to which the register and receiver may be respectively entitled as fees and commissions, with limitations in regard to the legal maximum.

84. The thirteenth section of the said act of May 10, 1872, pro-

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vides that all affidavits required under said act, or the act of which it is amendatory, may be verified before *any* officer authorized to administer oaths within the land district where the claims may be situated, in which case they will have the same force and effect as if taken before the register or receiver, and that in cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken before any such officer on personal notice of at least ten days to the opposing party, or, if said party cannot be found, then, after publication of notice for at least once a week for thirty days, in a newspaper, to be designated by the register as published nearest to the location of such land, proof of such notice must be made to the register.

85. The instructions heretofore issued with regard to disproving the mineral character of lands, are accordingly modified so as to allow proof upon *that point* to be taken before any officer authorized to administer oaths within the land district, and that where the residence of the parties who claim the land to be mineral is known, such evidence may be taken without publication, ten days after the mineral claimants or affiants shall have been personally notified of the time and place of such hearing; but in cases where such affiants or claimants cannot be served with personal notice, or where the land applied for is returned as mineral upon the township plat, or where the same is now or may hereafter be suspended for non-mineral proof, by order of this office, then the party who claims the right to enter the land as agricultural will be required, at his own expense, to publish a notice once each week for five consecutive weeks in the newspaper of largest circulation published in the county in which said land is situated; or, if no newspaper is published within such county, then in a newspaper published in an adjoining county, the newspaper in either case to be designated by the register, which notice must be clear and specific, embracing the points required in notices under instructions from this office of March 20, 1872, and must name a day after the last day of publication of said notice, when testimony as to the character of the land will be taken, stating before what magistrate or other officer such hearing will be had, and the place of such hearing.

MILL SITES.

86. The fifteenth section of said act provides, "That where non-mineral land, not contiguous to the vein or lode, is used or oc-

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cupied by the proprietor of such vein or lode, for mining or milling purposes, such non-adjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable under this act to veins or lodes. *Provided*, That no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this act for the superficies of the lode. The owner of the quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site as provided in this section."

87. To avail themselves of this provision of law, parties holding the possessory right to a vein or lode, and to a piece of land not contiguous thereto, for mining or milling purposes, not exceeding the quantity allowed for such purposes by the local rules, regulations or customs, the proprietor of such vein or lode may file in the proper land office their application for a patent, under oath, in manner already set forth herein, which application, together with the plat and field notes, may include, embrace and describe in addition to the vein or lode, such non-contiguous mill site, and after due proceeding as to notice, etc., a patent will be issued conveying the same as one claim.

88. In making the survey in a case of this kind, the lode claim should be described in the plat and field notes as "Lot No. 37, A," and the mill site as "Lot No. 37, B," or whatever may be its appropriate numerical designation; the course and distance from a corner of the mill site to a corner of the lode claim to be invariably given in such plat and field notes, and a copy of the plat and notice of application for patent must be conspicuously posted upon the mill site as well as upon the vein or lode for the statutory period of sixty days. In making the entry, no separate receipt or certificate need be issued for the mill site, but the whole area of both lode and mill site will be embraced in one entry, the price being five dollars for each acre and fractional part of an acre embraced by such lode and mill site claim.

89. In case the owner of a quartz mill or reduction works is not the owner or claimant of a vein or lode, the law permits him to make application therefor in the same manner prescribed herein for mining claims, and after due notice and proceedings, in the ab-

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sence of a valid adverse filing, to enter and receive a patent for the mill site at said price per acre.

90. In every case there must be satisfactory proof that the land claimed as a mill site is not mineral in character, which proof may, where the matter is unquestioned, consist of the sworn statement of the claimant, supported by that of one or more disinterested persons capable from acquaintance with the land to testify understandingly.

91. The law expressly limits mill site locations made from and after its passage to five acres, but whether so much as that can be located depends upon the local customs, rules or regulations.

92. The registers and receivers will preserve an unbroken consecutive series of numbers for all mineral entries.

PROOF OF CITIZENSHIP OF MINING CLAIMANTS.

93. The proof necessary to establish the citizenship of applicants for mining patents, whether under the present or past enactments, it will be seen by reference to the seventh section of the act under consideration, may consist, in the case of an individual claimant, of his own affidavit of the fact; in the case as an association of persons not incorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief that the several members of said association are citizens; and in the case of an incorporated company, organized under the laws of the United States, or the laws of any State or Territory of the United States, by the filing of a certified copy of their charter or certificate of incorporation.

94. These affidavits of citizenship may be taken before the register or receiver, or any other officer authorized to administer oaths within the district.

95. Copies of the previous mining statutes of Congress, dated respectively July 26, 1866, and July 9, 1870, are hereto attached. Sections, one, two, three, four and six, of the former, being expressly repealed by the ninth section of the act of May 10, 1872, aforesaid, which in its sixteenth section also repeals all acts and parts of acts inconsistent with its provisions.

96. The foregoing will be followed in due time by such further instructions as actual experience in the administration of the statute may render necessary.

Very respectfully, your obedient servant,
WILLIS DRUMMOND, *Commissioner.*

Kansas Pacific Railway, the Pioneer Line to the San Juan country.

IMPORTANT MINING DECISION.

At the last term of the District Court of Boulder county, an ejectment suit came on to be heard. The owner of the American mine had applied for a patent. The owner of the Bull of the Woods, which was a cross-lode, filed an adverse. On the trial, Judge Belford claimed that when two lodes crossed each other, all that the prior locator could take was the ore at the point of intersection of the two veins, and not all the vein which was found inside of the side lines of the location. The court refused to adopt this view. A short time since Judge Belford addressed a note to the Commissioner of the General Land Office, asking for a construction of section 14 of the Mining Act of 1872, and has received the following reply, which is in accordance with the construction which he asked the court to give:

DEPARTMENT OF THE INTERIOR, }
GENERAL LAND OFFICE }
WASHINGTON, D. C., February 25, 1876. }

James B. Belford, Esq., Central City, Col.

SIR:—Referring to your letter of the 15th inst., I have to state that the 14th section of the Mining Act of May 10, 1872, provides "that where two or more veins cross or intersect each other, priority of title shall govern, and each prior location shall be entitled to all ore or mineral contained within the space of intersection: Provided, however, that the subsequent location shall have the right of way through said space of intersection for the purpose of the convenient working of the said mine."

The construction which has been given to this part of the law is that a party has a right to a patent for the number of feet along his lode or vein to which he has the local title, upon full compliance with the law and instructions; provided, however, that where

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another lode crosses, *the ore at the space of intersection of the two lodes* belongs to the party who owns the prior location of the two.

The law clearly refers to cross-lodes, and provides that the ore at the crossing of the two lodes shall belong to the first valid location, and hence where a patent issues for a mining claim which crosses one already patented, the surface ground in conflict is excepted from the second patent, but the subsequent patentee has the right under his patent to his lode for the distance patented, with the provisio hereinbefore referred to, viz: That the ore at the space of intersection of the cross-lodes shall belong to the prior location.

Very respectfully, your obedient servant,

L. K. LIPPINCOTT.

Acting Commissioner.

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General Mgr., Kansas City.

D. E. CORNELL,

Gen. Pass. Ag't, Kansas City.